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7 MICHAEL SCHOCK,

Case No. C 14-1902 RS

8 Plaintiff,

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

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12 v.

13 CITY OF LAFAYETTE, et al.,

14 Defendants.

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17 Defendants move to dismiss the complaint in part, and also seek to stay this action pending
18 disposition of criminal proceedings against plaintiff arising from the incident that forms the basis of
19 his claims herein. Defendants invoke both *Younger v. Harris*, 401 U.S. 37 (1971) and *Heck v.*
20 *Humphrey*, 512 U.S. 477 (1994) in arguing a stay is warranted. Pursuant to Civil Local Rule 7-1(b),
21 the matter is suitable for disposition without oral argument.

22 By prior order, the parties were requested to submit a joint statement regarding the status of
23 the criminal proceedings, which they have done. In light of what appears to be substantial
24 uncertainty as to when those proceedings will be concluded, it would be inappropriate to impose an
25 open-ended stay of this action pending any such conclusion. Nevertheless, particularly given the
26 potential impact of the criminal proceedings under *Heck* (regardless of whether *Younger* abstention
27 might also be warranted), the circumstances warrant a stay of limited duration. Accordingly, this
28 action is hereby stayed until April 1, 2015 or until conclusion of the criminal proceeding, whichever

1 shall first occur. The parties shall notify the Court immediately upon any conclusion of the criminal
2 proceeding, or shall file a further joint status report on April 1, 2015.

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5 IT IS SO ORDERED.

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7 Dated: 9/25/14

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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